REMARKS

The above amendments and following remarks are submitted in response to the Official Action of the Examiner mailed January 24, 2005. Having addressed all objections and grounds of rejection, claims 1-25, being all the pending claims, are now deemed in condition for allowance. Reconsideration to that end is respectfully requested.

The Examiner has rejected claims 1-25 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No.2002/0091533, in the name of Ims et al (hereinafter referred to as "Ims"). This ground of rejection as to the amended claims is respectfully traversed for the reasons provided below.

The standard for the finding of anticipation during the examination process may be found in MPEP 2131, which states in part:

> TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH
> EVERY ELEMENT OF THE CLAIM
> "A claim is anticipated only if each and every element
> <u>as set forth in the claim</u> is found, either expressly or
> inherently described, in a single prior art reference."
> *Verdegaal Bros. v. Union Oil Co. of California*, 814
> F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).
> "The identical invention must be shown in as complete
> detail as is contained in the ... claim." *Richardson v.*
> *Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913,
> 1920 (Fed. Cir. 1989). (emphasis added)

The rejection of claims 1-25, as amended, as being anticipated by Ims is respectfully traversed because "each and every element <u>as</u>

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set forth in the claim[s] is" **not** "found, either expressly or inherently described" in Ims.

The essence of Applicants' invention as disclosed and claimed includes a "legacy database management system" coupled to a "publicly accessible digital data communication network" (e.g., the Internet) wherein the communication is in the form of "XML messages" which need conversion to the "command language" of the "legacy database management system" to permit honoring of service requests.

To find anticipation in accordance with MPEP 2131, not only must the elements of the claim be found in a single reference, they must be found "**as set forth in the claim**". That means the claim elements found in the reference must be coupled and cooperate as "**as set forth in the claim**". This requirement is only a matter of common sense. Otherwise, all claims would be anticipated by a dictionary, which contains all of the words of the claim, without being "**as set forth in the claim**". Though many of the claimed elements are not found in Ims, to the extent the Examiner has applied the reference to claim elements found in Ims, it is readily apparent that he has neglected the obligation to show that these claim elements are "**as set forth in the claim**", as required by MPEP 2131.

With regard to the rejection of claim 1, for example, the Examiner clearly erroneously finds the limitations of the

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preamble without actually applying the reference, because Ims has no "legacy data base management system" as claimed. Therefore, it has no "legacy data base management system having a command language" as claimed. Furthermore, having no "legacy data base management system" it cannot meet the requirement of "coupled to a publically accessible digital data communication network".

In clearly erroneously finding "a user terminal coupled to said legacy data base management system via said publically accessible digital data communication network", the Examiner cites paragraphs 0051-0054, 0070, and 0097. Though paragraphs 0051-0054 mention "workstation 10", it is clear that there is no coupling via the claimed "publically accessible digital data communication network". In fact Figs. 1-2, which are the only actually ones showing "workstation 10" do not show the claimed coupling. In fact, paragraph 0053 specifically limits any coupling of "workstation 10" via "one or more LANs" (see paragraph 0053).

Furthermore, the cited paragraph 0070, has nothing to do with communication of the claimed "user terminal". In fact, paragraph 0070 explicitly limits its discussion to communication between "business partners" (see also Fig. 4). The pertinence of the citation of paragraph 0097 is even more confusing. Paragraph 0097 explicitly differentiates its disclosure from one having the claimed network. Paragraph 0097, lines 20-24, states:

> Although this toolkit is designed for the World Wide
> Web environment, it can also be used to implement the
> proper hand-off interface mechanism of the present
> invention.

In other words, the Ims disclosure utilizes the "toolkit" in an

environment which is explicit **not** the world wide web.

Having not met the limitations of the preamble or the first

claim element, Ims has not even a tangential mention of the

limitations of the second claim element (i.e., "an input

definition facility...."). In making his rejection the Examiner

cites Ims, paragraphs 0051-0054 (twice), 0072, and 0095-0096.

Paragraphs 0051-0054 have only a hardware discussion of

workstations coupled into one or more private networks. These

paragraphs say nothing of the claimed "input facility".

Paragraph 0072 concerns only "B2B" transactions (presumably

mutually exclusive with the architecture of paragraphs 0051-0054)

and says nothing of how the claimed service is honored.

Paragraphs 0095-0096 apparently describe Fig. 12, which

"illustrates an application architecture that is based on the

preferred embodiment of the present invention" (see paragraph

0045).

Having thus not complied with the requirements of MPEP 2131

for finding anticipation, the rejection of claim 1, and all

claims depending therefrom, is respectfully traversed.

Claims 2, 8, 13, and 19 depend from claims 1, 7, 12, and 18,

respectively. Therefore, these claims contain all of the

limitations from the claims from which they depend and are further limit the claimed XML service. In making his rejection, the Examiner cites Ims, paragraphs 0070 and 0096-0097. None of these paragraphs mentions the user terminal generated XML service, because these paragraphs all discuss B2B transactions. Furthermore, Ims expressly disclaims any disclosure of the details of the generation and honoring of a service request as claimed, stating at paragraph 070, lines 17-22, stating:

> The details of this type of local processing do not form part of the present invention; the present invention defines a technique for invoking execution of such database, queuing, and transaction system processes, and synchronizing the interactions among such processes within an overall transaction.

Thus, Ims specifically disclaims disclosing that for which the Examiner has cited it. The rejection of claims 2, 8, 13, and 19 is respectfully traversed.

Claims 3, 14, and 20 depend from claims 2, 13, and 19, respectively, and further limit the XML service to comprising "a plurality of tables". In making his rejection, the Examiner cites paragraphs 0070, 0096, and 0097 of Ims. Quite apart from the lack of pertinence of these citations, they do not even mention **table** or any synonym thereof. The rejection of claims 3, 14, and 20 is respectfully traversed.

Claims 4 and 15 depend from claims 3 and 14, respectively, and further limit the XML service to comprise "executable script". Confusingly, the Examiner in making his rejection has

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cited Ims paragraph 0096. Though the citation mentions a "scripting engine", it is unknown why the Examiner considers this pertinent to the claimed "XML service" comprising "executable script". Applicants are simply unable to find this claim element within Ims. The rejection of claims 4 and 15 is respectfully traversed.

Claims 5 and 10 depend from claims 4 and 9, respectively, and further limit the claimed network which couples the claimed "user terminal" to the claimed "legacy data base management system". In making his rejection, the Examiner cites Ims paragraph 0059 which says nothing of the claimed coupling. Instead reliance is upon paragraphs 0051-0054 which clearly only discusses coupling of "workstation 10" via a LAN. The rejection of claims 5 and 10 is respectfully traversed.

Claim 6 is an independent apparatus claim having four basic elements. The third element, is limited by "a facility which generates an input service". In making his rejection, the Examiner cites Ims, paragraphs 0051-0054, and 0072. None of these citations even mentions the claimed "input service". Furthermore, paragraphs 0051-0054, which discuss "workstation 10" and paragraph 0072, which is limited to "B2B" transactions are clearly mutually exclusive embodiments of Ims.

The final claim element is limited by "a converter....". In citing paragraphs 0051-0054 and mutually exclusive paragraphs

0095-0096, the Examiner again fails to find the limitations of the claimed element. The rejection of claim 6, and all claims depending therefrom, is respectfully traversed.

Claims 7 and 18 depend from claims 6 and 17, respectively, and further limit the "input service" to an "XML input service". In making his rejection, the Examiner cites paragraphs 0065, 0066, and 0095-0097. Though this substantial quantity of text mentions XML messages, nowhere does it disclose the claimed "XML input service". The rejection of claims 7 and 18 is respectfully traversed.

Claim 9 depends from claim 8 and further limits the claimed "facility" to comprise "a plurality of sample XML messages". The Examiner cites Ims, paragraphs 0070 and 0097 which make no mention of the claimed "plurality of sample XML messages". The rejection of claim 9 is respectfully traversed for failing to meet the requirements of MPEP 2131.

Claim 11 is an independent method claim having four basic steps. The first step requires "retrieving a sample document from a repository of said legacy data base management system". Ims has no "sample document", has no "repository", and has no "legacy data base management system". Therefore, it is not surprising that Ims does not have the claimed "retrieving" step.

The second step of claim 11 requires "editing". There is simply no mention of "editing" to be found within Ims.

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Furthermore, Ims does not have the claimed "presenting" step, because Ims does not have the environmental structure as noted above. The rejection of claim 11, and all claims depending therefrom is respectfully traversed.

Claim 12 depends from claim 11 and further limits the "sample document". Because Ims does not have the claimed "sample document", it cannot have the claimed "XML sample document". The rejection of claim 12 is respectfully traversed.

Claim 16 is an independent apparatus claim having "means-plus-function" limitations. Ims has no "sample input service". Therefore, not surprisingly Ims has no "means for storing a sample input service". Similarly, because Ims does not have the claimed "sample input service", it cannot have the claimed "retrieving means" or the claimed "editing means". Furthermore, Ims has no "providing means" because it has no "legacy data base management system". Having none of the other structure, it cannot have the claimed "transferring means". The rejection of claim 16, and all claims depending therefrom, is respectfully traversed.

Claim 17 depends from claim 16 and further limits the "storing means". Because Ims does not have the "storing means", it cannot have these further limitations. The rejection of claim 17 is respectfully traversed.

Claim 21 is an independent apparatus claim having three basic structural elements. The first element is a "user terminal.....". In finding this element, the Examiner cites Ims paragraphs 0065-0067. This citation says nothing of a user terminal and in fact limits the discussion to B2B transactions. Thus, the Examiner's citation does not mention a "user terminal".

The second element is a "converter.....". Though the cited paragraphs 0096-0097 mention translation, they do not address the claimed requirements of "an ordered sequence of native command language statements and a plurality of input parameters". Therefore, Ims does not have the claimed "converter" in accordance with the requirements of MPEP 2131.

The third element is limited by a "legacy data base management system". As explained above, this is not found in Ims. Therefore, the rejection of claim 21, and all claims depending therefrom, is respectfully traversed.

Claim 22 depends from claim 21 and further limits the "legacy data base management system". Though Ims mentions a "mainframe computer" it says nothing of the "legacy data base management system" which it limits. The rejection of claim 22 is respectfully traversed.

Claim 23 depends from claim 22 and further limits the software architecture of the "user terminal". Not only does Ims not have the claimed "user terminal" as discussed above, the

cited paragraph 50 says nothing about software architecture. The rejection of claim 23 is respectfully traversed.

Claim 24 depends from claim 23 and is further limited by a "repository for storage of said ordered sequence of statements of said native command language prior to execution". Because Ims does not have the claimed "ordered sequence.....", it cannot have the claimed "repository". The rejection of claim 24 is respectfully traversed.

Claim 25 depends from claim 24 and presents further limitations. Because Ims does not have the limitations of claim 24 from which claim 25 depends, it cannot have the further limitations of claim 25. The rejection of claim 25 is respectfully traversed.

Having thus responded to each objection and ground of rejection, Applicants respectfully request entry of this amendment and allowance of claims 1-25, being the only pending claims.
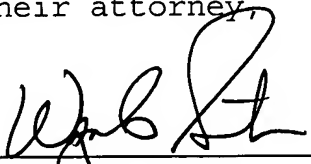
Please charge any deficiencies or credit any overpayment to Deposit Account No. 14-0620.

Respectfully submitted,

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By their attorney,

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